

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

July 13, 2004  
7:00 PM

City Hall  
Council Chambers

**CALL TO ORDER:** The SeaTac City Council Regular Council Meeting was called to order by Mayor Frank Hansen at 7:01 p.m.

**COUNCIL PRESENT:** Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, Joe Brennan, and Don DeHan.

**ADMINISTRATIVE STAFF:** Bruce Rayburn, City Manager; Craig Ward, Assistant City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Kit Ledbetter, Parks & Recreation Director; Dale Schroeder, Public Works Director; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

**FLAG SALUTE:** (The Flag Salute was performed at the preceding Study Session.)

## **PRESENTATIONS:**

### **•Presentation of a Certificate of Mayoral Appointment to Bryan Collins, General Manager of the Double Tree Hotel to the Hotel/Motel Tax (H/M) Advisory Committee.**

Mayor Hansen requested Councilmember Brennan conduct the presentation. Councilmember Brennan read the document and presented it to Mr. Collins. He briefed on the role the H/M Advisory Committee and its endeavors to aid people in the community in need of assistance. He stated Mr. Collins will be an asset to the committee.

Mayor Hansen thanked Mr. Collins for volunteering to serve on this committee.

### **•Mayoral Confirmation of Mayoral Appointments of Wendy Morgan and Bruce Tonks to the Human Services Advisory Committee**

MOVED BY ANDERSON, SECONDED BY BRENNAN TO CONFIRM THE MAYORAL APPOINTMENTS OF WENDY MORGAN AND BRUCE TONKS TO THE HUMAN SERVICES ADVISORY COMMITTEE.

MOTION CARRIED UNANIMOUSLY.

Mayor Hansen mentioned that Mr. Tonks is a retired attorney and Wendy Morgan has years of experience in the Human Services field and with the committee entering into the funding allocation selection stage, these new members are well qualified to serve on this committee. The City is always proud of the work this committee does.

Deputy Mayor Terry Anderson read the Certificates of Appointment and presented the documents to the appointees.

Mayor Hansen thanked the new members for agreeing to serve on this hard working committee. They advise the Council on the allocation of funds and they have an excellent track record in their recommendations.

**PUBLIC COMMENTS:** Darleene Thompson, 2504 South 148<sup>th</sup> Street, urged the Council to vote for the senior center, a topic of discussion for some time. Secondly, she invited the Council and all those interested to view her husband, John's Tonka truck collection. It is scheduled to be packed on July 20<sup>th</sup> and sent to a museum in Montana.

Joe Dixon, 19211 35th Avenue South, stated he plans to pursue a campaign urging the banning of fireworks in SeaTac, with the exception of legal fireworks display. He displayed some of the burned fireworks that landed on his property, which could have caused fires. The fireworks in this City have gotten out of control. He urged the members of the audience to speak up on this issue.

Dick Jordan, 16060 Military Road, stated he agreed with Mr. Dixon on his comments urging the banning of Fireworks in the City. During the July 4<sup>th</sup> holiday(s), the McMicken Heights Community Club was hit with vandals busting out all the outside lights on the property.

Pinder Dhanda, 20045 and 20626 International Boulevard (IB) stated he contacted the City regarding the Airport Parking lot which has been used for 15 years as a parking lot. Now there is a new law for landscaping and he would like to obey the law. The lot is on the way to SR 509. The State informed him they do not know when the roadway construction will start and will be completed.

Mayor Hansen stated staff will discuss this issue with him. The Land Use and Parks (LUP) Committee has discussed this issue and is in the process of being addressed.

**PUBLIC COMMENTS (Continued):** Prior to the next speaker, Mayor Hansen stated that in speaking with the City Attorney on the proposed subdivision Bob Stutz will be speaking about, if the Council has to hear this issue as a Quasi-judicial Hearing, they will not be able to comment on it.

Bob Stutz, 3742 South 192<sup>nd</sup> Street, spoke on the proposal at the 19048 37<sup>th</sup> Avenue South. There are number of people in the community that are concerned as to this proposal. They are in the process of acquiring signatures expressing the concerns about this proposal. There will be comments made to the Council as to their concerns.

Mayor Hansen assured Mr. Stutz that this project will be subject to all the legal regulations and the public will be involved in the public hearing process. He added that Mr. Stutz is a long time resident of SeaTac and the only person in the City who has a street named after him.

Deputy Mayor Anderson questioned the fact that three of the Councilmembers live near this project and whether they would be required to excuse themselves. City Attorney Mirante Bartolo stated more details are needed in order to be certain of their involvement.

**PRESENTATIONS (Continued):**

**•King County Library System's (KCLS) Capital Replacement Bond Measure**

Mayor Hansen opened the discussion by introducing William Ptacek, Director of KCLS. He stated he visited the Southcenter branch and was impressed with the facility and the amount of people using it.

Mr. Ptacek stated the purpose of the Southcenter branch is to attract new people to the library and especially people who English is not their first language. He stated that Karen Hardiman, Manager of the Valley View and the Southcenter branches, and her staff have been doing a wonderful job to make that happen. The facility was done through community effort to have a library in the Southcenter area.

Mr. Ptacek introduced the SeaTac Library Advisory Committee members in attendance: Chair Jackie Krutz, and Marion Henry, along with Ms. Hardiman.

Mr. Ptacek stated that with Wendy Morgan in the audience, he would mention that she was the prime mover in getting KCLS's Bond Issue passed in 1988. He continued by presenting a documentary on the KCLS and its many functions as well as input from various types of library users. Libraries are not just a repositories but a place the public can use and have up to date material and facilities. The Replacement Bond Issue is on the ballot this year. He explained the bond will insure the library system in a ten-year plan that will allow for three new libraries, increased parking, up to date materials, computers, a more efficient system for checkout, theft protection and more space for patrons to use. The Replacement Bond will continue to cost each household \$25 per year. The bond will need 60 percent of the voters to pass. This is not a tax increase but a replacement of a bond issue in 1988. The KCLS is the second most used library system in the nation. More votes are needed in the South County area for the September 14 election. Mr. Ptacek requested Council's support with a Resolution as many KC Cities have done. The system has 44 branches and various ways to use the libraries from emails, on the internet and home delivery of books.

Mayor Hansen thanked Mr. Ptacek for the informative presentation and for being a good support of SeaTac library, Ms. Hardiman for her excellent management and Mrs. Krutz and committee members for their efforts in the City and Valley View Library.

**CONSENT AGENDA:**

- Approval of claims vouchers** in the amount of \$799,463.69 for the period ended June 18, 2004.
- Approval of claims vouchers** in the amount of \$564,693.25 for the period ended July 2, 2004.
- Approval of employee vouchers** in the amount of \$648,136.91 for the period ended June 30, 2004

**Approval of Council Meeting Minutes:**

- Transportation & Public Works Committee Meeting** held June 22, 2004.
- Study Session** held June 22, 2004.
- Regular Council Meeting** held June 22, 2004.

**CONSENT AGENDA (Continued):**

**Acceptance of Advisory Committee Meeting Minutes:**

- **Human Services Advisory Committee Meetings** held March 15, April 19, and May 17, 2004 (Committee approved June 14, 2004).
- **Human Services Advisory Committee Meeting** held June 14, 2004 (Committee approved June 29, 2004).
- **Planning Commission Meeting** held June 7, 2004 (Commission approved June 28, 2004).

**The following Agenda Items were recommended at the July 13, 2004 Study Session for placement on this Consent Agenda:**

**Agenda Bill #2448**

**A Motion authorizing the City Manager to enter into Service Contracts for the Des Moines Creek Basin (DMCB) Coordinator and Construction Coordinator on behalf of the Basin Committee**

**Summary:** The Des Moines Creek Restoration Projects Interlocal Agreement (ILA) specifies that each of the parties provide staffing to manage, coordinate and oversee various phases of the Capital Construction Project. The City of SeaTac, per the ILA, has agreed to provide a Treasurer, Construction Coordinator and Project Manager for the bypass pipeline. In addition, as Treasurer, the City will contract, on behalf of the Basin Committee, any contractual services that cannot be provided by in-house personnel. All of the services performed, both contractual and in-house, will be reimbursed by the Basin budget funds. At this time, the Basin Committee has approved filling two positions by contract: Basin Coordinator and Construction Coordinator. The committee has also selected (from a field of candidates) Bill Hoffman and Donald Monaghan respectively to fill these two positions. The Transportation and Public Works (T&PW) Committee discussed the contracts and recommended they be negotiated and brought before the full Council subject to Basin Committee approval. Subsequently, the DMCB Committee reviewed the draft contracts and approved them.

The total cost estimated over the life of the contract (30 months) is \$592,500.

MOVED BY BRENNAN, SECONDED BY SHAPE TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS:**

**Agenda Bill #2447; Ordinance #04-1012**

**An Ordinance amending Chapter 3.20 of the SeaTac Municipal Code (SMC), subtitled Real Estate Excise Tax (REET), and imposing an additional one-quarter of One Percent Real Estate Excise Tax**

**Summary:** The REET is a tax on the sale of real property inside the City limits, and is paid by the seller upon completion of the sale.

In 1982, the State adopted RCW 82.46.010, which authorized cities to levy a one-quarter of one percent REET I. SMC Chapter 3.20 was adopted by Ordinance 89-1004, authorizing the City to collect REET I. Currently, revenues from REET I are placed in the municipal capital improvement fund. Since the year 2000, the City has generated the following revenue from REET I:

<u>Year</u>	<u>REET I Revenue</u>
2000	\$321,753
2001	\$302,719
2002	\$210,513
2003	\$294,272
2004 (through June 30)	\$226,100

In 1990, the State enacted RCW 82.46.035 which authorizes cities to levy an additional one-quarter of one percent REET II. In King County (KC), SeaTac, Beaux Arts, and Skykomish are the only three Cities that do not collect REET II. This Ordinance would levy this additional one-quarter of one percent REET II tax. Should this Ordinance be adopted, the City would generate additional revenue equal to that currently collected by REET I.

**NEW BUSINESS (Continued):**

**Agenda Bill #2447; Ordinance #04-1012 (Continued):** State law restricts the use of revenue collected from the REET taxes. For both REET I and REET II, the revenue generated must be used for “financing capital projects specified in a capital facilities plan element of a comprehensive plan (CP).” In addition, State law specifies the type of capital projects for which REET I and REET II revenue can be spent. In general, the expenditure of REET II revenue is more restrictive than that of REET I. RCW 82.46.010 specifies that REET I taxes must be used to finance:

“Those public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets; roads; highways; sidewalks; street and road lighting systems; traffic signals; bridges; domestic water systems; storm and sanitary sewer systems; parks; recreational facilities; law enforcement facilities; fire protection facilities; trails; libraries; administrative and/or judicial facilities.”

However, RCW 82.46.035 specifies that the revenue generated from REET II taxes must be used solely for:

“Those public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of street, roads, highways, sidewalks, street and road lighting systems, traffic signals, bridges, domestic water systems, storm and sanitary sewer systems, and planning, construction, reconstruction, repair, rehabilitation, or improvements of parks.”

Should this Ordinance be adopted, the Council is not required at this time to identify specific projects that would receive funding from REET II revenues. The Council may decide what projects, if any, would receive funding as part of the yearly budget process. Any unspent REET II revenue could be carried forward to following years, but the revenues must still be spent on capital projects as authorized by State law.

Additionally, if this Ordinance is adopted, REET II collection would not begin immediately. State law requires that the City wait sixty days after a copy of the Ordinance is forwarded to the County Treasurer to begin collecting REET II taxes.

MOVED BY SHAPE, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 04-1012.

MOTION CARRIED UNANIMOUSLY.

**Agenda Bill #2441; Resolution #04-010**

**A Resolution amending Resolution No. 04-003, changing the meeting time of the Administration and Finance Committee and the meeting date of the Public Safety & Justice Committee**

**Summary:** This Resolution amends Resolution No. 04-003, and changes the time of the Administration and Finance (A&F) Committee Meeting and the date of the Public Safety and Justice (PS&J) Committee Meeting. If the proposed Resolution is passed, the meeting time of the A&F Committee will change from 3:00 p.m. to 2:00 p.m. on the second Tuesday of each month. The meeting date for the PS&J Committee will change from the fourth Tuesday of each month to the second Tuesday of each month. The PS&J Committee will continue to meet at 4:00 p.m. The Resolution will become effective August 1, 2004.

MOVED BY ANDERSON, SECONDED BY SHAPE TO PASS RESOLUTION NO. 04-010\*

MOVED BY BRENNAN, SECONDED BY FISHER TO AMEND ORDINANCE NO. 04-010 TO CHANGE THE START OF THE PUBLIC SAFETY & JUSTICE COMMITTEE MEETING FROM 4:00 P.M. TO 3:30 P.M. ON THE SECOND TUESDAY OF EACH MONTH.

AMENDMENT CARRIED UNANIMOUSLY.

\*ORIGINAL MOTION AS AMENDED CARRIED UNANIMOUSLY

**PUBLIC HEARING: Approving the 2005 - 2014 Transportation Improvement Program (TIP)**

Mayor Hansen opened the Public Hearing at 7:44 p.m.

Public Works Director Schroeder stated each year the City is required by State statute to adopt a minimum of a Six-Year TIP and a 10-Year TIP is required by the Growth Management Act (GMA). The City has opted to adopt a Ten-Year TIP annually. Mr. Schroeder emphasized that this is a planning document and as such, does not commit the City to budget the projects in the proposed TIP. It is, however, an indication of the City's plan to precede with its transportation improvements over the next 10 years. This will allow for funding opportunities for the projects that are shown on the plan. It also gives some flexibility in timing of the improvements to coincide with other agencies' projects.

There was no public input at this hearing.

Mr. Schroeder presented the first two years of the 2005-2014 TIP which are more predictable than the long term projects:

Year 2005 – 1) International Boulevard (IB) Phase IV from South 200<sup>th</sup> to 216<sup>th</sup> Streets, which is currently underway; 2) Military Road South from South 176<sup>th</sup> Street to the bridge over-crossing at South 176<sup>th</sup> Street, which has enough funding already for this project; 3) 38<sup>th</sup> Avenue South connection between South 180<sup>th</sup> and 182<sup>nd</sup> Streets; 3) Des Moines Memorial Drive (DMMD) Signal Upgrade at South 156<sup>th</sup> Street; and 4) I-5 Southbound Ramp Improvement at Military Road South / South 200<sup>th</sup> Street intersection.

Year 2006 - 1) 34<sup>th</sup> Avenue South from South 160<sup>th</sup> to 176<sup>th</sup> Streets to add curb, gutter and sidewalks which is a primary route for students attending McMicken Heights Elementary School; 2) South 192<sup>nd</sup> Street/37<sup>th</sup> Avenue South from 33<sup>rd</sup> to 37<sup>th</sup> Avenues South and from South 192<sup>nd</sup> to 188<sup>th</sup> Streets, a pedestrian related project to extend the sidewalk along the mentioned streets; and 3) South 144<sup>th</sup> Street /24<sup>th</sup> Avenue South to Military Road South.

Mr. Schroeder concluded by stating there are other 2005 and 2006 TIPs that are done annually which he summarized.

Mayor Hansen recessed the public hearing at 7:59 p.m. to be continued at the July 27, 2004 Regular Council Meeting (RCM).

**NEW BUSINESS:**

*(The following agenda bill was moved to the July 27, 2004 RCM to follow the above continued Public Hearing)*

**Agenda Bill #2444**

**A Resolution approving a Ten-Year Transportation Improvement Program (TIP) for 2005-2014**

**PUBLIC COMMENTS:** There were no public comments at this time.

**CITY MANAGER'S COMMENTS:** City Manager Rayburn announced that a representative from the office of US Senator Marie Cantwell will be in SeaTac, tomorrow, July 14, and will be given a tour of the City by Assistant City Manager Craig Ward after meeting with Mayor Hansen and himself.

**CITY COUNCIL COMMENTS:** Councilmember Fisher agreed with the comments made by Mr. Dixon and Mr. Jordan regarding the illegal assault of unusually loud and dangerous fireworks preceding July 4<sup>th</sup>, July 4<sup>th</sup> and the following week. This issue was discussed at the PS&J Meeting today and will be reviewed thoroughly.

Councilmember Shape reported on three items from the A&F Committee Meeting held earlier today: 1) recommendation from the Position Vacancy Review Board (PVRB) for the Human Services Coordinator change from a part-time to a full time position. The committee also recommended this change; 2) Cable Casting Program and the City developing its own cable network on Channel 21. They would like to start on this program which will involve hiring a consultant to assist in reworking the franchise with Comcast and developing a franchise fee and a list of equipment needed. The committee recommended proceeding with the program; and 3) Council received a letter from a Mr. Martinez, a guest at a local hotel, reporting having been a victim of discrimination when attempting to check in. It is not the policy of SeaTac or the hotel to discriminate against anyone. He feels this should be investigated.

**CITY COUNCIL COMMENTS (Continued):** Councilmember Brennan also agreed with Mr. Dixon's comments regarding the illegal fireworks during the July 4<sup>th</sup> holiday period. He would like no fireworks to be allowed other than authorized fireworks displays. He also suggested no fireworks stands be allowed in SeaTac.

Upon a question posed by Deputy Mayor Anderson, City Attorney Mirante Bartolo stated she would research whether the one fireworks stand in SeaTac could also be banned. She stated the State statute governs fireworks and any changes take at least one year to be effective.

Mayor Hansen stated the Lutheran Alliance to Create Housing (LATCH) has been dedicated and consists of 80 units of senior affordable housing of which 25 of the 80 units are now occupied. The public is welcome to tour the facility. It is a good addition to the City.

**ADJOURNMENT:**

MOVED BY BRENNAN, SECONDED BY ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:09 P.M.

MOTION CARRIED UNANIMOUSLY.

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Frank Hansen, Mayor

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Judith L. Cary, City Clerk